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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,810	03/06/2002	Robert L. Miller II	01-2122.01	8404
24504	7590	06/27/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			TRUONG, LAN DAI T	
		ART UNIT		PAPER NUMBER
				2132

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,810	DARZI, KENT E.	
	Examiner	Art Unit	
	Ian dai thi truong	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 March 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 March 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/16/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites the limitation "the system manager" in the 1st line. There is insufficient antecedent basis for this limitation in the claim. The limitation is interpreted as "a system manager".

Claim rejections-35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1) Claims 1-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Carcerano et al.

(U.S. 6,308,205), “Carcerano” herein after

Regarding to claim 1, which is exemplary of claims 2, 12 and 13:

Carcerano discloses the invention substantially as claimed, including a system and method for managing elements of a communication network, comprising:

Memory for storing template data, the template data indicative of control values for controlling a network element is matched (Cacerano discloses a database contains configuration information templates wherein configuration parameters can be changed or updated by the remote workstations: Fig 5, items 105, 107; column 2, lines 46-53).

A system controller configured to identify a plurality of network elements within the communication network based on user input and to automatically provision each of the identified network elements based on the template data: (User can make a change on device configuration by fill in information in a blank or make a selection from a drop-down menu: Fig.7, items 127; column 15, lines 57-64).

Regarding to claim 4, which is exemplary of claim 7:

In addition to the rejection in claim 1, Carcerano further discloses:

Wherein the EMS is interfaced with a plurality of clients: (Fig. 1, item 3, 34, 13, 45, 37 e.g.).

Wherein the system controller is configured to receive the template data from one of the clients and to store the received template data in the memory (the user requests new configuration for network device by change configuration parameters in the template retrieved from the memory and store updated template back to the database: Fig. 7; Fig. 5, items 107, 105; column 2, lines 47-54; column 8, lines 20-26).

Regarding to claim 8:

Cacerano discloses the invention substantially as claimed, including a system for managing elements of a communication network, comprising:

Memory: (Fig 4, item 93).

A system manager configured to receive a provision template and to store the provision template in the memory, the provision template indicative of control values for controlling a network element, the system manager configured to receive a request that identifies the provision template and to retrieve the provision template in response to the request, the system manager further configured to select a plurality of network elements within the communication network and to automatically provision each of the selected network elements based on the retrieved provision template: (a template retrieves from the database to update information according to user requesting, then the updated template is stored back into database: Fig 5, items 107, 105; column 2, lines 35-61).

Regarding to claim 10:

In addition to the rejection in claim 8, Carcerano further discloses:

The system controller is configured to automatically provision the selection network elements in response to the request (the server executes configuration information receiving from modified template to update configuration for requested network device: Fig 7, items 126, 127, 128; Fig 8, items s803 items 76, 88; column 9, lines 42-67; column 10, lines 1-25).

Regarding to claim 9, which is exemplary of claim 11:

In addition to the rejection in claim 8, Carcerano further discloses:

The EMS is interfaced with a plurality of clients (Fig. 1, item 3, 34, 13, 45, 37 e.g.)

The system controller is configured to provide the retrieved provision template to one of the clients in response to the request (the provision template is retrieved form data base in HTML format so user can fill in configuration information in a blank or selecting configuration

information from the drop-down window: column 9, lines 62-67; column 10, lines 1-11; column 2, lines 47-54) .

The one client is configured to change the provision template based on user inputs and to communicate the changed provision template to the EMS; and the system controller, in provisioning the selected network elements, is configured to utilize control values indicated by the changed provision template: (The user can fill in or selects configuration parameters into template, modified parameter is sent back to server. Then the updated template is stored back to server database and executes to indicate updated control value for requested network device: fig 7, items 126, 127, 128; Fig.8 items S803, S805; column 9, lines 34-42).

Regarding to claim 14:

Cacerano discloses the invention substantially as claimed, including a method for managing elements of a communication network, comprising:

Defining a provision template based on user input; the provision template indicative of control values for controlling a network element (the user can fill in or select configuration parameters from a blank or the drop-down window: Fig7, items 126, 127, 128; column 15, lines 50-64).

Receiving a request that identifies the provision template; retrieving the provision template in response to the request; selecting a plurality of network elements within the communication network; and automatically provisioning each of the selected network elements based on the retrieved provision template: (according to user request to update network device configuration, a provision template is retrieved from database and sent to user to process: column 9, lines 43-67; column 10, lines 1-25).

Regarding to claim 15, which is exemplary of claim 16:

In addition to the rejection in claim 14, Carcerano further discloses:

Displaying the retrieved provision template in response to the request (the retrieved template is displayed in HTML format: column 9, lines 43-67).

Updating the provision template base on user inputs wherein the provisioning step includes the step of storing control values indicated by the update provision template into each of the selected network elements (user can fill in or select updated configuration information from blank or drop down window in retrieved template, and the updated template is stored back to database: Fig 5, items 104, 105, 107; column 15, lines 56-67).

Regarding to claim 3:

In addition to the rejection in claim 1, Carcerano further discloses:

The EMS is interfaced with a plurality of clients: (Fig. 1, item 3, 34, 13, 45, 37 e.g.).

One client is configured to display a GUI based on the selected set of GUI code and to define the template data based on user inputs received by the one client, the one client further configured to transmit the template data to the EMS: (template is displayed in HTML format, and the user can input updated configuration information in that template and send it back to database: column 9, lines 43-67).

The memory stores sets of graphical user interface (GUI) code, each of the sets of GUI code defining a different GUI; the system controller is configured to select one of the sets of GUI code and to provide the selected set of GUI code to one of the clients: (there are HTML templates in the database so the user can make selection on configuration information, and each

HTML template defines configuration for each network device: Fing 5, items 11, 107; Fig 6, items 141; column 9, lines 43-67).

Regarding to claims 5 and 6:

In addition to the rejection in claim 4, Carcerano further discloses:

Wherein the system controller receives the template data from the one client during a first communication session that is between the EMS and the one client, and wherein the system controller is configured to provide the template data to another of the clients during a second communication session that is between the EMS and the other client; wherein the system manager is configured to automatically provision each of the identified network elements in response to a request received from the other client during the second communication session (template is displayed in HTML format, and the user can input updated configuration information in that template and send it back to database. Although Carcerano does not explicitly disclose there different sessions perform in his invention; however this feature is deemed to be inherent to the Carcerano's system, see (abstract, lines 15-20; column 9, lines 43-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Dai Thi Truong
Examiner
Art Unit 2132

Ldt
06/17/2005

BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER